

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES

v.

FRANK CHRISTIAN

)
) CR No. 2-191
) CV No.

ORDER OF COURT

Before the Court is Defendant's Motion for Relief from Order Pursuant to Rule 60(b)(6). Defendant asks this Court to reconsider, vacate, or otherwise amend the portion of this Court's Order dated April 13, 2017, to the extent that it denied his Amended Section 2255 Motion, without prejudice pending certification from the Court of Appeals. When a second or successive petition is filed in a district court without the required appellate permission, the district court may, if it is in the interest of justice, transfer it to the Court of Appeals pursuant to 28 U.S.C. § 1631. Robinson v. Johnson, 313 F. 3d 128, 139 (3d Cir. 2002). In this case, considering all the attendant circumstances and factors, it is in the interest of justice to grant Defendant's request.

This Court's Order dated April 13, 2017, is hereby amended to the extent that Defendant's Amended Section 2255 Motion pursuant to Johnson v. United States, 135 S. Ct. 2551 (2015), and filed as Exhibit 1 to Docket Number 113, and the supporting Brief filed at Docket Number 118, shall be transferred to the Court of Appeals for the Third Circuit for consideration as an application to file a second or successive petition.

AND NOW, this 15th day of June, 2017, IT IS SO ORDERED.

BY THE COURT:



Donetta W. Ambrose
Senior Judge, U.S. District Court